

[ORAL ARGUMENT NOT YET SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MARK MOYAR,

Plaintiff-Appellant,

v.

UNITED STATES DEPARTMENT OF
DEFENSE and
UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT,

Defendants-Appellees.

No. 23-5085

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
BRIEF OF DEFENDANTS-APPELLEES**

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27, the government respectfully moves for a 32-day extension of time, to and including November 20, 2023, to file its brief in the above-captioned appeal. Plaintiff-appellant consents to the government's request for an extension.

1. On June 14, 2023, the clerk entered an order directing plaintiff-appellant to file his opening brief and appendix on July 24, 2023. On July 19, 2023, plaintiff-appellant filed an unopposed motion

to extend the deadline for his brief and the appendix by 30 days to August 25, 2023. The Court extended the deadline for plaintiff-appellant's opening brief and the appendix to September 15, 2023. On September 15, 2023, plaintiff-appellant filed an unopposed motion to extend the deadline for his brief and the appendix to September 19, 2023. The Court granted the request. On September 20, 2023, plaintiff-appellant filed an unopposed motion to extend the deadline for his brief and appendix by two hours to September 20, 2023. The Court granted the request. Plaintiff-appellant's brief and the appendix were filed September 20, 2023. The government's response brief is due October 19, 2023. The government has not previously sought or received any extensions of time in this case.

2. The extension of time is necessary to allow appellate counsel adequate time to prepare the government's response and to coordinate with agency counsel, given other forthcoming deadlines. Joshua M. Salzman, the government attorney with review responsibility in this case, is responsible for supervising briefing and argument in the following cases during the government's briefing time: *Career Colls. & Schs. of Tex. v. Dep't of Educ.*, No. 23-50491 (5th Cir.) (brief due October

5, 2023); *Tex. Med. Ass'n v. Dep't of Health & Human Servs.*, No. 23-40217 (5th Cir.) (brief due October 16, 2023); *Morris & Dickson Co. LLC v. Drug Enforcement Admin.*, No. 23-60284 (5th Cir.) (brief due October 24, 2023); *Fortin v. Comm'r*, No. 23-1528 (6th Cir.) (brief due November 1, 2023). In addition, Mr. Salzman is responsible for presenting oral argument on behalf of the government in *Kannuu Pty Ltd. v. Samsung Elecs. Am., Inc.*, No. 22-1526 (Fed. Cir.), on October 5, 2023, and in *Seago v. Kijakazi*, No. 23-40001 (5th Cir.) on November 6, 2023.

Moreover, both Mr. Salzman and Urja Mittal, the attorney with primary drafting responsibility in this case, are responsible for various internal matters with forthcoming deadlines.

3. The requested extensions will not appreciably delay the resolution of this case, and counsel will exercise diligence in preparing the brief within the time requested. Plaintiff-appellant consents to this extension request.

CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court grant this unopposed motion for an extension of time, to and including November 20, 2023, to file its response brief.

Respectfully submitted,

JOSHUA M. SALZMAN

/s/ Urja Mittal

URJA MITTAL

Attorneys

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared with Century Schoolbook 14-point, a proportionally spaced font with serifs, and the motion complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 460 words, according to the word count of Microsoft Word.

/s/ Urja Mittal
URJA MITTAL